IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 812 of 2005

Between:

Matte Ratna Raju, S/o. Santhibhushanam,
R/o. Chodimella, Eluru Mandal, West Godavari District.

..... PETITIONER

AND

1 The Executive Engineer, Eastern Power Distribution

Company of A.P. Ltd. A.P. Transco Limited, Elur, West

Godavari District.
2 The Assistant Engineer, Eastern Power Distribution

Company of A.P. Ltd. A.P. Transco Limited, Tangellamudi,

Eluru Mandal, West Godavari District.
3 Kandamala Prasad, S/o. Venkateswara Rao,
R/o. Chodimella, Eluru Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of mandamus declaring the action of the Respondents 1 and 2 in disconnecting the electricity service Connected No. 753 (Agricultural Service), Chodimella, Tangellamudi Mandal, West Godavari District, basing on the requisition given by the 3rd Respondent to disconnect the same is illegal, arbitrary, erroneous, highhanded, unconstitutional and violative of the procedure and practice and consequently direct the Respondent 1 and 2 to restore the power supply to the electricity Service Connection No. 753 (Agricultural Service), Chodimella, Tangellamudi Mandal, West Godavari District.

Counsel for the Petitioner:MR.Y.V.RAVI PRASAD
Counsel for Respondents 1 and 2 : Mr. V.Ajay Kumar
Counsel for the Respondent 3: Mr. M.Subbarao

The Court at the admission stage made the following :

ORDER:

Petitioner states that himself and the 3rd respondent have jointly obtained loan for digging a bore-well and installation of a pump-set in the land belonging to him, for the purpose of irrigating their lands. It is represented that the loan amount was misused by the 3rd respondent and that though the electricity connection in respect of the bore-well stood in the name of the 3rd respondent, he agreed to forego his rights in the bore-well. It is the case of the petitioner that having agreed to forego his rights, the 3rd respondent addressed letters to respondents 1 and 2 and got the power supply disconnected. According to the petitioner, he made an independent application for sanctioning power supply and in the meanwhile, the crop raised by him in the land is withering away, on account of disconnection of the power supply to the motor and appropriate directions are sought for, in this matter.

Heard learned counsel for the petitioner and learned counsel for respondents 1 and 2.

The petitioner has referred to his understanding or arrangement with the 3rd respondent, in the matter of obtaining loan or service connection from respondents 1 and 2 to run the pump-set. In view of the fact that the service connection was in the name of the 3rd respondent, it was disconnected on his instructions. No exception can be taken to the action of the respondents in disconnecting the power supply. When it was urged before this Court that the pump-set is installed in the land of the petitioner became non-functional, due to disconnection, an interim direction was issued to the effect that the respondents shall continue the power supply to the pump for a period of 15 days. The order is said to have been complied with. Even assuming that the 3rd respondent requested respondents 1 and 2 to disconnect the power supply, the respondents can sanction a fresh connection to the petitioner in accordance with the relevant provisions. Petitioner states that his crop needs

irrigation for two more weeks.

Taking the totality of the circumstances into account, the writ petition is disposed of with the following directions:

1. It shall be open to the petitioner to make an application to respondents 1 and 2 to provide power supply to the water pump in his land, if it is not made already, and that respondents 1 and 2 shall take necessary steps on the same, within two weeks from the date of receipt of the same.

2. The respondents shall continue the power supply to the pump-set belonging to the petitioner, till the standing crop is harvested, subject to his payment of the consumption charges therefor.

There shall be no order as to costs.

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14.02.2005

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To

1 The Executive Engineer, Eastern Power Distribution

Company of A.P. Ltd. A.P. Transco Limited, Elur, West

Godavari District.

2 The Assistant Engineer, Eastern Power Distribution

Company of A.P. Ltd. A.P. Transco Limited, Tangellamudi,

Eluru Mandal, West Godavari District.

3 **2 CD copies.**